

SENATE BILL No. 1382

June 9, 2010, Introduced by Senators CLARKE, BARCIA and SCOTT and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 26 of chapter V (MCL 765.26), as amended by 2002 PA 659.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER V

1
2 Sec. 26. (1) In ~~all~~**A** criminal cases ~~where~~**CASE IN WHICH** a
3 person has entered into any recognizance for the personal
4 appearance of another and ~~such bail and surety~~ afterwards desires
5 to be relieved from responsibility, he or she may, with or without
6 assistance, arrest or detain the accused and deliver him or her to
7 any jail or to the sheriff of any county. In making the arrest or
8 detainment, he or she is entitled to the assistance of any peace
9 officer.

1 (2) The sheriff or keeper of any jail is authorized to receive
2 the principal and detain him or her in jail until he or she is
3 discharged. Upon delivery of his or her principal at the jail by
4 the surety, ~~or his or her~~ **THE SURETY'S** agent, or ~~any~~ **AN** officer,
5 the surety shall be released from the conditions of his or her
6 recognizance.

7 (3) ~~Whenever~~ **IF** the prosecuting attorney of a county is
8 satisfied that a person who has been recognized to appear for trial
9 has absconded, or is about to abscond, and that his or her ~~sureties~~
10 ~~or either of them have~~ **SURETY HAS** become worthless, or ~~are~~ **IS** about
11 to dispose or have disposed of ~~their~~ **THE PERSON'S** property for the
12 purpose of evading the payment or the obligation of ~~such~~ **THE** bond
13 or recognizance or with intent to defraud ~~their~~ **HIS OR HER**
14 creditors, and ~~that~~ **IF THE** prosecuting attorney makes a
15 satisfactory showing to this effect to the court having
16 jurisdiction of that person, the court ~~or judge~~ shall promptly
17 grant a mittimus to the sheriff or any peace officer of that
18 county, commanding him or her ~~forthwith~~ to arrest the person so
19 recognized and bring him or her before the officer issuing the
20 mittimus. ~~and on~~ **ON** the return of ~~that~~ **THE** mittimus **THE COURT** may,
21 after a hearing on the merits, order ~~him or her~~ **THE PERSON** to be
22 recommitted to the county jail until ~~such time~~ as he or she gives
23 additional and satisfactory sureties ~~,~~ or is otherwise discharged.

24 **(4) IF A DEFENDANT IS CHARGED WITH A FELONY, IS RELEASED ON A**
25 **SURETY BOND PENDING TRIAL IN ANY CASE THAT IS PENDING ON OR AFTER**
26 **THE EFFECTIVE DATE OF AMENDATORY ACT THAT ADDED THIS SUBSECTION,**
27 **AND IS FOUND GUILTY, EITHER BY PLEA OR AFTER TRIAL, THE SURETY BOND**

1 SHALL NOT BE CONTINUED PENDING THE IMPOSITION OF SENTENCE OR
2 POSTTRIAL PROCEEDING UNLESS THE SURETY OR ITS AGENT CONSENTS TO THE
3 CONTINUATION OF THE SURETY EITHER ON THE RECORD OR IN WRITING.